

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

BORIS GOLDENBERG, et al.	)	
	)	Civil No. 1:09-cv-5202-JBS-AMD
	)	
Plaintiffs,	)	
	)	
v.	)	<b>STIPULATION AND ORDER REGARDING</b>
INDEL, INC., et al.	)	<b>CLASS CERTIFICATION/MERITS EXPERT</b>
	)	<b>REPORTS</b>
	)	
Defendants.	)	
	)	

IT IS HEREBY STIPULATED AND AGREED by and between the parties as follows:

1. On or before January 6, 2012, counsel for Plaintiffs will provide the Defendants with a letter which summarizes their expert's rebuttal on issues that are specific to class certification.
2. With respect to the expert reports previously exchanged among the parties, Plaintiffs' expert witness will be deposed on January 10, 2012, and Defendants' expert witness will be deposed on January 12, 2012.
3. On January 31, 2012, Plaintiffs will file their Motion for Class Certification.
4. All expert reports and expert disclosures on merit issues on behalf of Plaintiffs shall be served upon counsel for Defendants not later than thirty days after the Court's ruling on Plaintiffs' Motion for Class Certification. All expert reports and expert disclosures on merit issues on behalf of Defendants shall be served upon counsel for Plaintiffs not later than thirty days after Defendants receipt of Plaintiffs' expert reports and expert disclosures on merit issues. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this

procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded within thirty days after the Defendants' receipt of Plaintiffs' rebuttal report on merit issues.

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. EVID. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

6. Plaintiffs shall serve their expert's merits rebuttal report upon counsel for the Defendants not later than thirty days after Plaintiffs' receipt of Defendants' merit expert report(s). In their rebuttal report Plaintiffs' expert witness may address any merits issue raised in either the Defendants' Class Certification Expert Report or the Defendants' Merits Report.

WHEREFORE, the parties respectfully request that the Court approve the foregoing Stipulation by so ordering below.


RESPECTFULLY SUBMITTED this 16th day of December, 2011.

/s/ Robert Lakind  
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SO ORDERED this 19<sup>th</sup> day of December, 2011.

  
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HONORABLE ANN MARIE DONIO  
United States Magistrate Judge